IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 314 of 2005
in
Notice of Motion No. 3343 of 2004
in
Suit No.3280 of 2004
with
Notice of Motion No.1039 of 2005

Mr.Pervez Lakadawalla ..Appellant

vs.

1. Mr.Constance Rodriques
and others ..Respondents

Mr.Anirudha Joshi i/b Mr.T.S.Patwardhan for appellant.
Partner of the appellant is present in Court.
Ms.Rekha V.Tawade for respondent nos. 1 and 2

CORAM: A.P.SHAH &
S.J.VAZIFDAR JJ.
27th April, 2005

P.C.

1. By consent of the parties the order of the learned single Judge is substituted by the following order.

2. The appellant agrees and undertakes to carry out the repair work of respondent no.1's premises i.e. flat No.6, Neel Mahal, 25th Road, TPS III, Bandra (West), Mumbai 400 050 in respect of the following items.

i) Plastering of the entire flat.

ii) Plaster of Paris finish

iii) Painting

iv) Polishing of the tiles

v) Sliding windows

vi) Electrical works and accessories.

vii) Window glasses.

viii) Chapra on grills.

ix) Tiles work in the bathroom.

3. M/s Nadkarni & Co are appointed as Commissioner to inspect and supervise the repair work mentioned in clauses (i) to (ix) above which will be carried out by the appellant.

4. The Commissioner is directed to inspect the condition of the bedroom, wall cabinets and aluminium sections and louvers and if the Commissioner is satisfied that the same was damaged as a result of construction activity of the appellant then the said items shall be replaced by the appellant as directed by the Commissioner.

5. The appellant is directed to complete the repair work within a period of two months from today.

6. The appellant shall bear necessary expenses and cost of the Commissioner.

7. The Commissioner is directed to submit the final report on satisfactory completion of the aforesaid repair works within four weeks thereof.

8. Appeal stands disposed of in terms of the above order.

9. In view of the order in appeal notice of motion does not survive and hence rejected.